

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**ACORN; ACORN INSTITUTE, INC.; and  
NEW YORK ACORN HOUSING  
COMPANY, INC.,**

**Plaintiffs,**

**PRELIMINARY INJUNCTION**

**-against-**

**09-cv-4888 (NG)**

**UNITED STATES OF AMERICA;  
SHAUN DONOVAN, Secretary of the  
Department of Housing and Urban Development;  
PETER ORSZAG, Director,  
Office of Management and Budget; and  
TIMOTHY GEITHNER,  
Secretary of the Department of Treasury  
of the United States,**

**Defendants.**

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**GERSHON, United States District Judge:**

**FILED**  
**IN CLERK'S OFFICE**  
**US DISTRICT COURT E.D.N.Y.**  
**★ DEC 11 2009 ★**  
**P.M. \_\_\_\_\_**  
**TIME A.M. \_\_\_\_\_**

The court having granted the plaintiffs' motion for a preliminary injunction pursuant Federal Rule of Civil Procedure 65 by opinion and order dated December 11, 2009:

Defendants the **UNITED STATES OF AMERICA; SHAUN DONOVAN**, in his official capacity as Secretary of the Department of Housing and Urban Development; **PETER ORSZAG**, in his official capacity as Director of the Office of Management and Budget; and **TIMOTHY GEITHNER**, in his official capacity as Secretary of the Department of Treasury of the United States; and all those acting in concert with them, are hereby

**ENJOINED**, during the pendency of this action, from enforcing Section 163 of Division B – Continuing Appropriations Resolution, 2010, Pub. L. No. 111-68, § 163, 123 Stat. 2023, 2053 (2009), as renewed by Division B – Further Continuing Appropriations Resolution, 2010, Pub. L. No. 111-88, § 101, 123 Stat. 2904, 2972 (2009), which provides that “None of the funds

made available by this joint resolution or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.” The defendants are hereby further

**ENJOINED**, during the pendency of this action, from enforcing the Office of Management and Budget Memorandum, entitled “Memorandum for the Heads of Executive Departments and Agencies” providing “[g]uidance on [S]ection 163 of the Continuing Resolution regarding the Association of Community Organizations for Reform Now (ACORN),” dated October 7, 2009.

**SO ORDERED.**

s/ Nina Gershon

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**NINA GERSHON**

**United States District Judge**

Dated: December 11, 2009  
Brooklyn, New York